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\*\*E-filed 8/26/05\*\*

Attorneys for Defendants  
MARQUEZ BROTHERS FOODS INC. and  
MARQUEZ BROTHERS INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE JEL SERT COMPANY,  
Plaintiff,

v.

MARQUEZ BROTHERS FOODS INC. and  
MARQUEZ BROTHERS  
INTERNATIONAL INC.,  
Defendants.

Case No. C 04-5504 JF

AMENDED

STIPULATION AND ~~[PROPOSED]~~ ORDER  
EXTENDING TIME TO FINALIZE  
SETTLEMENT OR, IN THE  
ALTERNATIVE, TO RESTORE THE  
MATTER TO THE COURT'S CALENDAR

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FINALIZE SETTLEMENT OR, IN THE  
ALTERNATIVE, TO RESTORE THE MATTER TO THE COURT'S CALENDAR  
Case No. C 04-5504 JF

1 WHEREAS, the parties to this lawsuit are in the process of finalizing the last details of  
 2 their formal, written settlement of the lawsuit and its related dispute, but are faced with the  
 3 absence of the representative of one of the parties;

4 WHEREAS, the consideration for settlement has not been delivered over because the  
 5 written settlement has not been executed;

6 WHEREAS, the Court, on May 24, 2005, issued its Order of Dismissal, dismissing the  
 7 lawsuit with prejudice but subject to the right of the parties to certify, within ninety days, that the  
 8 agreed-upon consideration for the settlement has not been delivered over, upon which the Court's  
 9 Order would stand vacated and the matter restored on the Court's calendar; and

10 WHEREAS, the parties jointly believe that this matter will be fully and formally settled  
 11 and that consideration will be delivered within two weeks;

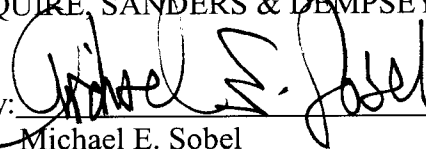
12 PURSUANT TO CIVIL LOCAL RULE 6-1, IT HEREBY IS STIPULATED AND  
 13 AGREED by and between the undersigned attorneys for the parties hereto that the deadline in the  
 14 Court's May 24, 2004 Order shall be extended two weeks, to and including September 6, 2005.

15 IN THE ALTERNATIVE, IT HEREBY IS STIPULATED AND AGREED by and  
 16 between the undersigned attorneys for the parties that consideration has not been delivered over  
 17 and, should the Court not be amenable to extending the current deadline in the Court's May 24,  
 18 2004 Order two weeks, the Court shall vacate the Order of May 24, 2005 and restore this matter  
 19 to the Court's calendar.

20 Respectfully submitted,

21 Dated: August 23, 2005

SQUIRE, SANDERS & DEMPSEY L.L.P.

22 By:   
 23 Michael E. Sobel

24 Attorneys for Defendants  
 25 MARQUEZ BROTHERS FOODS INC. and  
 26 MARQUEZ BROTHERS  
 27 INTERNATIONAL, INC.  
 28

1 Dated: August 23, 2005

WINSTON & STRAWN LLP

2  
3 By: 

John C. Nishi

4 Attorneys for Plaintiff  
5 THE JEL SERT COMPANY

6  
7 PURSUANT TO STIPULATION, IT IS ORDERED:

8 [select either:]

9 \* (1) that the deadline in the Court's May 24, 2004 Order shall be extended two weeks,  
10 to and including September 6, 2005; (JF)

11 [or, in the alternative:]

12 ~~(2) that the Court vacates its Order of May 24, 2005 and restores this matter to the~~  
13 ~~Court's calendar.~~

14  
15 Dated: August 26, 2005

Jeremy Fogel /s/electronic signature authorized  
16 UNITED STATES DISTRICT JUDGE

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STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FINALIZE SETTLEMENT OR, IN THE  
ALTERNATIVE, TO RESTORE THE MATTER TO THE COURT'S CALENDAR  
Case No. C 04-5504 JF